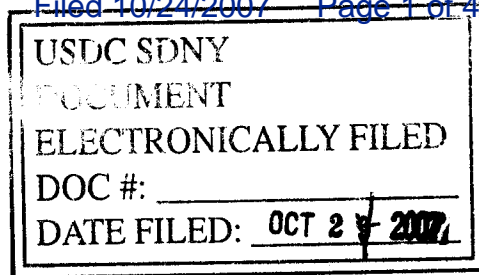


Judge Marrero



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
-----x

UNITED STATES OF AMERICA :

-v- :

DERRICK SMIT, :

Defendant. :

-----x

INDICTMENT

**07 CRIM 990**

COUNT ONE

The Grand Jury charges:

1. From at least in or about April 2007 through in or about July 2007, in the Southern District of New York and elsewhere, DERRICK SMIT, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that DERRICK SMIT, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 500 grams and more of mixtures and substances containing a detectable amount of methamphetamine, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

Overt Act

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others,

was committed in the Southern District of New York:

a. In or about April 2007, in Manhattan, New York, DERRICK SMIT, the defendant, met with two co-conspirators not named as defendants herein regarding the sale of approximately four pounds of crystal methamphetamine.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

4. As a result of committing the foregoing controlled substance offense alleged in Count One of this Indictment, DERRICK SMIT, the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property that constitutes or is derived, directly or indirectly, as a result of the offense and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment.

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(i) cannot be located upon the exercise of due diligence;

(ii) has been transferred or sold to, or deposited with, a third party;

(iii) has been placed beyond the jurisdiction of the court;

(iv) has been substantially diminished in value;


or

(v) has been commingled with other property which  
cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 18,  
United States Code, Section 853(p), to seek forfeiture of any  
other property of the defendant up to the value of the  
forfeitable property.

(Title 21, United States Code, Sections 846 and 853.)

  
FOREPERSON

  
MICHAEL J. GARCIA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**UNITED STATES OF AMERICA**

**- v -**

**DERRICK SMIT,**

**Defendant.**

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**INDICTMENT**

07 Cr. \_\_\_\_\_

(Title 21, United States Code,  
Sections 846 and 853.)

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**MICHAEL J. GARCIA**  
United States Attorney.

*Ann Marie C. [Signature]*